82-1296

No. .....

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

LOWELL M. STROOM, Appellant

v.

JAMES E. CARTER, Appellee

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

1. Whether the 1980 Presidential Elections were abridged pursuant to Amendments XII and XIV, Article II, and other Constitutional provisions, by Appellee's negligence to execute the laws of the Constitution.

2. Whether the acts in Congress on January 6, 1981, which are required by Amendment XII of the Constitution, were unconstitutional, from the absense of participation by electors (the Electoral College) which conforms to the laws of the Constitution, pursuant to Amendment XII.

3. Whether the rights of the people in presidential elections, and in the 1980 Presidential Election, are abridged by federal and state statutes, Articles and Amendments of state constitutions, and local laws, all of which must yield to the

laws of the Federal Constitution which are contained in Amendment XII.

4. Whether the relief requested in these proceedings, consisting only of rights which are secured by the Constitution, is a proper relief conforming to the laws and mandates of the Constitution, and whether said relief is a necessary equitable remedy which is essential to correct a wrong which grievously offends the Constitution.

Parties

For the Appellant:

Lowell M. Stroom, Pro Se

For the Appellee:

James L. Carter, Pro Se

For the Federal Government:

The Attorney General of the United States

Stanley Harris, U. S. Attorney for the District of Columbia

Royce L. Lamberth, Assistant U. S. Attorney
R. Craig Lawrence, Assistant U. S. Attorney

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Authorities

The Annals of the Congress of the United States, Volume 13, Amendment XII Pages: 3, 25, 31, 49-55, 59.

Brief for the United States as Amicus Curiae on Reargument in Baker v. Carr; Pages: 3, 21, 28, 30, 65, 68, 50a-53a.

Blackstone, William; Commentaries on the Laws of England; 1765; Pages 4, 19.

The Congressional Globe, Volume 36, 1866; Amendment XIV; Pages 3, 49.

The Congressional Record; Volume 75; 1932; Amendment XX; Page 48.

The Congressional Record; 6 January 1981; Unbound; Pages: 22, 42a-45a.

Madison, James; Report on the Federal (Constitutional) Convention; Page 48.

Washington, Gecrge; "Farewell to Congress" Address; Pages 4, 48, 56.

Constitutional Provisions — Pages

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28 U.S.C. §2453(a) may be applicable in these proceedings.

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for the District of Columbia

JURISDICTIONAL STATEMENT

This is an Appeal by Lowell M. Stroom from an Order of December 14, 1982, entered by the District Court of the United States for the District of Columbia. This Jurisdictional Statement is submitted by Appellant pursuant to Rule 15 of the Rules of the Supreme Court of the United States, to show that the Supreme Court has jurisdiction of the appeal, and that substantial

federal questions are presented.

OPINIONS BELOW

The Order of the District Court of the United States for the District of Columbia is not yet reported. Copies of the order are attached hereto as Appendix A and Appendix C. All other orders and opinions entered in this action are attached hereto as Appendix B.

JURISDICTION

The appeal arises from an action which challenges the constitutionality of the 1980 Presidential Elections by the negligence of the Appellee in executing the laws of the Constitution as they are contained in Article II and Amendment XII. Federal Courts had jurisdiction pursuant to 28 U.S.C. §1331.

The 'Order' of the District Court was

entered December 14, 1982. Notice of Appeal to the Supreme Court was filed December 28, 1982. The jurisdiction of the Supreme Court rests on 28 U.S.C. §1252. The Supreme Court also has jurisdiction pursuant to 28 U.S.C. §1651, and probable jurisdiction under 28 U.S.C. §1253.

Cases that sustain the jurisdiction of this Court include Brown v. School Board, 349 US 294, Baker v. Carr, 369 US 186, Wesberry v. Saunders, 376 US 1, Reynolds v. Sims, 377 US 533, United States v. Raines, 362 US 17, Swann v. Adams, 385 US 445, Anderson v. U. S., 417 US 211, Reynolds v. Board, 233 F. Supp. 323, and Ex Parte Yarbrough, 110 US 666

Among the many authorities which sustain the jurisdiction of this Court are the Annals of the Congress of the United States, Eighth Congress, 1803, The Congressional Globe, Volume 36, 1866, the United States Amicus Curiae Brief on the Rehearing of

Baker v. Carr, (supra), the "Farewell to Congress" address of President Washington, who was president of the Constitutional Convention, and the Commentaries on the Laws of England, by William Blackstone.

The action further challenges the constitutionality of the proceedings in Congress on January 6, 1981, which proceedings are required by the Federal Constitution in Amendment XII. The participation of electors (the Electoral College) who are selected on some basis other than that which is provided for by the laws of Amendment XII has the effect of depriving the citizens of the right to the government which is established and ordained by the People. Amendment XII reads as follows:

> ...which lists they shall...transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number

> of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed.

The action further presents the Constitutional rights of the people in presidential elections as they are established and protected in Article II and Amendment XII, which rights are further protected by Amendment XIV. Appellant seeks an order from the Supreme Court which declares that the laws of Amendment XII and Article II are the supreme law of the land in protecting the rights of the people in presidential elections, and orders further, that any federal or state statute, or Article or Amendment of any State Constitution, or local law, which permits or requires any condition which deprives rights protected by Article II and Amendment XII must yield to the laws of the federal Constitution as articulated by the Supreme Court in these proceedings.

Amendment XIV reads in part as follows:

> Section 1. No State shall make any law which conflicts with the laws of the Constitution.
>
> Section 2. Representatives shall be apportioned among the states according to their respective numbers... But when the right to vote at any election for...President and Vice President of the United States, Representatives of the United States Congress, the Executives and Judicial offices of a state or the members of the legislature thereof, is denied to...or in any way abridged...the basis of representation shall be reduced by the proportion which the...citizens (abridged) shall bear to the whole number of...citizens twenty one years of age in such States.

Amendment XII, which establishes those conditions which abridge presidential elections, reads as follows:

> The Electors shall meet in their respective states, and vote by ballot for President, and Vice-President, one of whom at least, shall not be an inhabitant of the same state with themselves, they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President...and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

> But in choosing the President, the votes shall be taken by states... and if no person have a majority (of Vice-Presidential votes), then from the two highest numbers on the list, the Senate shall choose the Vice-President...

Article II of the Federal Constitution, which establishes the responsibility of the Appellee for executing the above quoted laws of the Constitution in the 1980 Presidential Elections, reads in part as follows:

> He shall take care that the laws are faithfully executed...

Title 28 United States Code Section 1252, upon which jurisdiction rests in this case, intends to provide an immediate review for cases whose subject matter is the supremacy of the laws of the Constitution and the Constitutionality of statute law, especially where important questions of the public's interest are concerned. It has been said that 28 U.S.C. §1252 should not be read restrictively.

Further, in Section 1252, Congress

intends that the whole case shall come up for review, that review shall not be limited to the issues contained in the Order. The intent of 28 U.S.C. §1252 is to authorize a jurisdiction which provides swift justice, so as to minimize in important cases, delay incident to review in lower courts.

The Supreme Court has jurisdiction pursuant to 28 U.S.C. §1651, Writs, and probable jurisdiction pursuant to 28 U.S.C. § 1253, which provides for review of decisions by three-judge District panels. The Congress has established by statute law, that three judge District panels are a necessary protection in cases involving the voting franchise which is protected by Amendment XIV. The rights of the people in presidential elections are equally or more important than their rights in Congressional elections, which are so protected. It would not be within the power of Congress, to provide a protection for some elections which is

not available to other equally important elections. The effect would be to amend the Constitution by statute law. Congress may not have anticipated the issues which are contained in this proceeding. It is then the duty of the District Court to provide a three-judge panel. The questions in this case establish that Appellant is entitled to a three judge panel, which the District Court has denied in all proceedings in this action.

A further reading of Amendment XIV quoted above, at page 6, establishes that the Constitution mandates a relief which reapportions Congressional representation when Presidential elections are abridged. Consideration for such reapportionment further establishes the jurisdiction of the Supreme Court pursuant to 28 U.S.C. § 1253 in these proceedings.

STATUTES INVOLVED AND CONSTITUTIONAL PROVISION

The rights of the people in Presidential elections as protected in the Constitution establish the sovereignty of the people in the United States, the negligence of the Appellee in these proceedings, the Supremacy of the laws of the Constitution, the right of the people to elect the President and Vice President, and the duty of the United States to protect the rights of the people from abridgment in presidential elections. The following are excerpts from the United States Constitution.

The Preamble

We, the People...

Amendment IX

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendments I through X; The Bill of Rights

Article II, Section 1

The Electors shall...vote by ballot

for two Persons... The person having the greatest number of votes shall be the President...after the Choice of the President, the person having the greatest number of Votes of the Electors shall be Vice President.

Before he (the President) enter on the Execution of the Office, he shall take the following Oath or Affirmation--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Article II, Section 3

He shall take care that the laws be faithfully executed...

Article IV, Section 4

The United States shall guarantee to every state in this Union a Republican form of Government...

Article VI

The Constitution...shall be the supreme law of the land.

Amendment XII

The Electors shall meet in their respective states, and vote by ballot for President, and Vice-President, one of whom at least, shall not be an inhabitant of the same state with themselves, they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-

President, and they shall make distinct lists of all persons voted for as President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President if such number be a majority of the whole number of Electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members of two-thirds of the states, and a majority of all the states shall be necessary to a choice...The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person

constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment XIV, Section 1

No state shall...deny to any person within their jurisdiction the equal protection of laws... No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

Amendment XIV, Section 2

Representatives shall be apportioned among the states according to their respective numbers... But when the right to vote at any election for... President and Vice President of the United States, Representatives of the United States Congress, the Executive and Judicial offices of a state or the members of the legislature thereof, is denied to any male inhabitants of such State...or in any way abridged... the basis of representation therein shall be reduced by the proportion which the number of male citizens shall bear to the whole number of male citizens twenty one years of age in such States.

Amendment XX, Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January...and the terms of their successors shall then begin.

Amendment XX, Section 3

> If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may be law provide for the case wherein neither a President nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Amendment XXIV, Section 1

> The right of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State...

Statutes and Other Laws

This action challenges the Constitutionality of any and all federal and state statutes, all Articles and Amendments of any and every State Constitution, and any local law which requires or permits a condition which deprives the people of any of the Constitutional rights of the People

in Presidential elections as those rights are quoted above. Among the statutes and laws challenged are: 1) those which require or permit conditions which establish elections whose results are based on something other than the free choice of the people; 2) those which require or permit ballots other than separate and distinct ballots for the offices fo President and Vice-President; 3) those which require or permit unique participation by classifications of people in nominating processes, funding, and ballot design; 4) those statutes and laws which require or permit conditions whose effect is to establish an election in which all citizens are not provided an equally effective voice, especially in establishing what is contained on ballots (nominations); 5) those statutes and laws which require or permit ballots of unequal value, such as when some citizens acquire unique advantages;

6) those statutes or laws which fail to provide an equal opportunity for every candidate to be elected; and 7) those statutes and laws whose effect is to establish a government other than one which is a popular-majority government. The statutes and laws challenged provide for unique participation by classifications of people, establish unequal opportunities to nominate candidates, provide public funds unequally establishing an unequal right to be elected, permit or require ballot designs which restrict the right of the people to vote, and establish an unequal right to be elected and other abridgments, all of which deprive citizens of a ballot of equal value, and abridge the principle of elections articulated by the Supreme Court which requires "one man-one vote". This is a Constitutional challenge whose principles were sustained and ordered by the Supreme Court in Brown v. Board of

Education, supra, and by the Federal Courts in Reynolds v. Board, (App. at 46a-49a).

Further Statutes

18 U.S.C. §241

> If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of having exercised the same...(the conspiracy shall be an offense against the United States).

28 U.S.C. §9001 et seq

> Federal Campaign Funding

28 U.S.C. §1651

> Any Court may issue all writs necessary or appropriate in aid of (its) jurisdiction.

28 U.S.C. §2284

> (A district court panel of three judges shall be convened) when an action is filed challenging the constitutionality of the apportionment of Congressional districts...

35 D.C.C. §16-3545 (1981)

> Where a defendant (has)...usurped, intruded into or unlawfully held or excercised an office or franchise (of the United States)... he (shall) be ousted and excluded therefrom.

STATEMENT OF THE CASE

Appellant, Lowell M. Stroom, was a Presidential Candidate in the 1980 primary and general Presidential Elections, and in years prior to the election in 1980. The popularity of the Candidacy in every state had extended over years since at least 1975. This popularity established reasonable expectations for an election victory in the 1980 Presidential Elections given equal protection of the laws, and presidential elections which conformed to the laws of the Constitution. Unique and disadvantageous conditions were applied to the Stroom Presidential Candidacy, and to Lowell Stroom, the Candidate, which did not apply to other candidacies. Only those conditions deprived the Appellant of election to the Office of President.

The Appellee, James E. Carter, was

was responsible for executing the laws of the Constitution during the 1980 Presidential Election, and in years prior to 1980. The failure to execute the laws of the Constitution which protect the rights of the people in presidential elections, and the damage and injury which resulted to the Stroom Candidacy, consist of breach of oath and negligence as those terms were applied to non-feasance and to mis-feasance by the authors of the Constitution and common law.[1/] The authors and those who ratified the Constitution clearly intended and established judicial protection for the laws of the Constitution where there is non-feasance or mis-feasance in executing the laws.

Moreover, election procedures and balloting in the 1980 Presidential elections

1/ Blackstone, William; Commentaries on the Laws of England; (Oaths); 1765; This authority is quoted in many of the early cases in the Supreme Court. Blackstone states that judicial protection must be available to the aggrieved where there is breach of oath by a public official.

were unconstitutional from the failure of the Appellee to execute the laws of the Constitution. The procedures required or permitted the overvaluation of the votes of some, and undervalued those of others. The procedures failed to provide an equally effective voice for every citizen, and a ballot of equal value--rights of the people which are mandated and guaranteed by Amendments XII and XIV of the Constitution. Most importantly, the election procedures failed to provide what is required of all elections in the United States, that elections achieve popular-majority government. The ballots in the 1980 Presidential Elections were of such unequal value, so diluted, debased, and abridged, that a majority of citizens were disenfranchised of an effective voice. Fourty-seven percent of the citizens cast no ballots that were counted in 1980, and perhaps fewer than 25 percent cast ballots for a single candidate, when

unconstitutional procedures limited their free choice. Election procedures which result in fewer than 25 percent of the citizens establishing how the remaining 75 shall be governed, are defective for failing to provide for the Constitution's mandate, which is to establish popular-majority government. In the Federal Government's Brief as Amicus Curiae on Rehearing in Baker v. Carr, (App. at 51a) the government concluded in a similar election that: "The seriousness of the wrong calls for judicial action."

Every ballot cast in the 1980 Elections is adjudicative evidence that the elections were abridged and unconstitutional. The selection of electors who shall represent the people in voting in Congress, on some basis other than that which is provided by Amendment XII of the U. S. Constitution, has the effect of depriving the people of the government which is established and

and ordained by the Constitution. Such elections do not conform to the Constitution, and they are invalid. The Elections and Electors can make no claim to qualifying any person for the Offices of President and Vice-President of the United States.

On January 6, 1981, the Congress met in Joint Session, as required by Amendment XII.[2/] This Action challenges the constitutionality of those proceedings and acts. It was said that "the Senate and House of Representatives, pursuant to the requirements of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the various states for President and Vice President." (App. at 42a). The votes provided by invalid electors were tabulated, and it was said: "This

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2/ The Congressional Record's report of these proceedings and acts is contained in the Appendix beginning on page 42a.

announcement of the state of the vote by the President of the Senate shall be deemed sufficient declaration of the persons elected President and Vice President of the United States." (App. at 45a).

The proposed Orders for relief in these proceedings are issued to the Congress of the United States.[3/] The orders notify the Congress of the determination of the Federal Courts, pursuant to the Court's jurisdiction in resolving all controversies which concern the laws of the Federal Constitution and for reviewing the acts of the Congress, that the proceedings and acts on January 6, 1981, were unconstitutional for having participation by Electors who were selected on some basis other than that which is mandated by Amendments XII and XIV of the U. S. Constitution, which protect the rights of the people in

3/ The proposed orders in this action are appended hereto, and begin on page 26a of the Appendix.

Presidential Elections. (App. at 26a). The Orders further state that the elections failed to qualify any Electors or any persons for the Offices of President and Vice President, prior to January 6, 1981, or in the proceedings in Congress on January 6, 1981, pursuant to Amendment XX. The Orders further articulate what is mandated by Amendment XII and orders that any and all Federal and State statutes, Articles or Amendments of State Constitutions, or local laws which require or permit a deprivation of the rights of the people which are contained in Amendment XII, must yield to the laws of the Amendment. (App. at 31a).

The Court Order further orders a new election immediately which conforms to the laws of Amendment XII, and which qualifies Electors and candidates for the Offices of President and Vice President. (App. at 29a)

Precise commentaries on what is mandated

by the laws of Amendment XII and Article II are contained in the deliberations in Congress prior to the ratification of Amendment XII. The deliberations are reported in the Annals of the Congress of the United States, Volume 13, 1803. The deliberations establish the right of the people to elect the President and Vice President of the United States, the intent of such elections to establish popular-majority government, the unconstitutionality of unique participation by classifications of people, and the right of every citizen to an equally effective voice in the elections and ballots of precisely equal value. Concerning the Electors (the Electoral College), the deliberations establish that the Electors were only created as a means of providing smaller states with slightly greater influence than their populations would normally allow. The Electors acquire none of the

rights of the people to elect the President and Vice-President. The Action on Appeal challenges all statutes and laws which deprive Amendment XII and Article II of their effectiveness, and prays for relief which orders such laws to yield to the laws of the Constitution, now and hereafter.

The Appellee in these proceedings has not denied that he was willfully negligent in executing the laws of the Constitution in the 1980 Presidential elections, of non-feasance and mis-feasance, nor that the elections were, of his own knowledge, abridged. In actions involving the abridgment of Federal Elections, the Supreme Court stated in Swann v. Adams, 385 US 40, that the burden of proof in all such cases is the Defendant's-Appellee's. The Court said in Swann, "As this case comes to us we have no alternative but to reverse. The District Court made no attempt to explain or justify the many variations (in the value of ballots

in elections)." The Courts must then, in all such cases restore the rights of the people which are secured by the Constitution.

The questions contained in this proceeding are among the issues which were entered into the District Court in the initial action, 11 September 1981. There are no points of law entered into these proceedings which support any order but one which grants Appellant's proposed orders for relief. Further, there is no condition of abridgment which is acceptable to Amendment XIV, or for which the Courts are not required to provide a relief. The Court erred in not providing the relief, and entered no response in these proceedings which indicated any interest of the Court in Constitutional law, in protecting the supremacy of the laws of the Constitution, or of resolving complaints from laws which conflict with the laws of the Constitution.

In the process of judicial review of the initial orders, and with continuing research into the laws governing in this proceeding, further grounds and new authorities were entered which overwhelming establish the Constitutional mandate for the relief requested by Appellant in these proceedings. Among these authorities are the Congressional deliberations on Amendment XII prior to its ratification, which laws are decisive of the issues in controversy; the Brief for the United States as Amicus on Rearguement in Baker v. Carr, supra, (App. at 50a); the Congressional deliberations on Amendment XIV prior to its ratification; and cases in which the relief requested in these proceedings had been granted in the Federal Courts. (App. at 46a, Reynolds v. Board). Error had been done, and it is the duty of the Courts to defeat injustice.

The Appellant sought a new trial to correct the Court's earlier error, in a

new trial before a three judge District panel, which is the proper court for all such proceedings, pursuant to Amendment XIV. The prior orders of the Court do grievous injury and damage of all types to the Appellant, Lowell Stroom, and to the People, both immediate and long term, economic and social, domestic and international. The Court denied a new trial, a three judge panel, and a hearing, again indicating little interest in the laws of the Constitution, or in providing a protection for the laws of the Constitution and the rights of the People.

That the Court erred in its evaluation or lack of consideration for the issues, is established by the orders of the Supreme Court in Reynolds v. Sims, 377 US 560, where the Court stated:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the

> most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right.

The Court's Order is further contradicted by the Brief of the United States as Amicus Curiae on Rehearing, in Baker v. Carr, supra, The Brief states:

> The seriousness of the wrong calls for judicial action, and
>
> This case involves the most basic right in a democracy, the right to fair representation in one's own government, and,
>
> Certainly, the right to have a fair share in the choosing of one's own government is "of the very essense of a scheme of ordered liberty" and is a fundamental principle of liberty and justice lying "at the base of all our civil and political institutions." and,
>
> The need for Constitutional protection is urgent because (the abridgment) ... is subverting responsible...government. (App. at 51a)

The consensus and intent of the Congress which was the author of Amendment XII, and of the People who ratified the Amendment in 1803, is contained in a statement made

by Wilson Nicholas in the Senate deliberations on the Amendment. Senator Nicholas' statement has great relevance for the Supreme Court in the Court's consideration for the questions which are entered into these proceedings. Senator Nicholas' comments are contained in discussions which considered the amendment of those parts of Article II which provide for the selection of a President by Congress from among five Candidates. Senator Nicholas' statement, as reported in the Annals of Congress, 1803, Volume 13, is as follows:

> A reason equally forcible...was that by taking the number three instead of five, you place the choice with more certainty in the people at large, and render the choice more consonant to their wishes... (A)lso, it was a most powerful reason for preferring three, that it would render the Chief Magistrate (President) dependant only on the people at large, and independant of any party or state interest. The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate... (All) men, in their civil capacity as citizens, are upon complete terms of equality,

> possessing equal rights and power and in the right of sufferage, and in the light of the law, they are equally units in the mass of society.

The laws of Amendment XII are decisive of the issues in controversy in these proceedings. Amendment XII's laws are further protected from abridgment by the laws of Amendment XIV. A relief and orders by the Court which provides an immediate new Presidential election is further supported by the laws of Amendment XX, which provides for cases in which neither a President or a Vice President is selected by an election. In all such cases, and in the present proceeding, the right to elect a President remains a right of the people. Where no Candidate is qualified by an election, the Congress has no candidates to whom it may give consideration, pursuant to Amendment XII. New elections must be provided, pursuant to the right and duty of the people to select a President and Vice-President. In

an action involving similar questions of law, a Court ordered as follows:

> It by no means follows that, because one person unlawfully intrudes into or holds an office, another is entitled to it... A vacancy exists and a new election follows... The incumbancy, in all such cases, is a public wrong, and for this reason the people demand a removal. The office, like a franchise in an important sense belongs to the people; and they simply assert their right to having it filled according to law. (13 Colo 303).

THE QUESTIONS ARE SUBSTANTIAL

The instant appeal presents on the record herein, one of the clearest denials of constitutional rights yet brought before this Court. The neglect of the Appellee to execute the laws of the Constitution in Amendment XII, has resulted in elections which are governed by all kinds of inferior statutes and laws that undermine every law and intent of the Constitution. The neglect has resulted in elections which

deprive the Constitution of all effectiveness, and the people of their right to the government that is established and ordained by the people in the laws of the Constitution. The right of the people to presidential elections which are unabridged (Amendment XIV), is the cornerstone of all civil rights. Judicial protection from the neglect of the rights of the people, and judicial protection of the supremacy of the laws of the Constitution is an indispensible element in Constitutional government, lacking which, the laws of the Constitution are certain to deteriorate. The discrimination of the Appellant and the People is a gross violation of the rights and guarantees of the people in presidential elections which are established by Amendments XII and XIV, and Articles II, IV, and VI.

The instant appeal is unique for the abundance of deprivations which result from the neglect in executing the laws of

Amendments XII and XIV. Among these substantial rights are: 1) The right of the People to elections which are unabridged "in any way". (Amend. XIV); 2) The right of the People to a United States guarantee that elections shall be unabridged. (Amend. XIV) 3) The right of the People to a government which is established and ordained by the people. (Article VI); 4) The right to judicial protection for the rights of the people in presidential elections. (Articles II and VI); 5) The right of the People to have the laws of the Constitution executed and secured from the efforts of all others which would undermine them. (Art. II); and 6) The right of the People to be governed according to the laws of the Constitution, rather than by inferior laws. (Art. VI, Amend. XIV).

Because of the unique facts, this case should command the highest priority

among the concerns of the Supreme Court. The Supreme Court has entered consistant decisions which protect the voting franchise of the People, which decisions are quoted throughout this appeal. (i. e. Swann v. Adams, supra). Among these are actions which were adjudicated pursuant to Amendment XIV, which mandates judicial protection from abridgments to all elections. The Supreme Court has not adjudicated actions pursuant to the laws which are contained in Ameudments XII and XX, and Article II. The validity of procedures which grossly dilute the right of a citizen to an equal vote and to Constitutional government in the face of Federal Constitution commands requiring equality in elections and government by the People requires judicial protection by the Supreme Court. The substantial laws which are contained in these Amendments are essential for the establishment of the character and quality

of government which is available to all Americans. To the extent that these laws are enforced by the Courts, America is a great nation. When the laws of the Constitution go unenforced, America's greatness is diminished, and the promise of liberty under the laws is greatly compromised. The Acts challenged and attacked in these proceedings prohibit government by the People, and prescribe the election of a president and vice-president by a minority of the people of the United States, and of each of the states. They thus repeal the commands of the Federal Constitution, and those of many state constitutions, which mandate popular-majority government.

The record in this Appeal makes it unmistakeably clear that all avenues for relief are closed to the Appellant and to the People. The Congress has not the power to correct past errors, the condition has persisted over several years, and the facts

of the case establish that no persons presently in the Executive Department of the United States have the authority to make any decision which is required by Article II of the Constitution. Further, elections provide no relief, when they are so abridged as to restrict the free choice of the people.

The Court is here urged to correct one of the most vicious malignancies in American government. The issues involved directly affect millions of American citizens who are deprived of rights which are guaranteed by our Federal Constitution. Injury and damage of every kind result from the deprivations: When some of the laws of the Constitution go unenforced, every other law is deprived of its intent and effectiveness. The effectiveness of ballots of citizens in one state are diluted and debased when ballots of citizens in other states are abridged, as the results of the election

are determined by the results in each of the states. The heritage of our nation is greatly diminished by officers who lack the qualifications which are required by the Constitution. This case pleads for judicial aid as a means for preserving and restoring liberties which are basic to a democratic form of government, that is, the right to an equally effective voice in elections to offices which are established by the Constitution, the right to a ballot of equal value, the right to be governed according to the laws of the Federal Constitution, and the right to supremacy for the laws of the Constitution.

The Supreme Court heard and issued orders in the case of Brown v. Board of Education, 349 US 294, on appeal as this appeal is brought to the Court. In Brown, the Court articulated a Constitutional right of the People which is protected by the Constitution, and stated that all laws

state, federal, and local, which require or permit a deprivation of that right, are unconstitutional. The Supreme Court heard Baker v. Carr, supra, on appeal, much as this appeal is brought to the Court. The Court ordered that the protection of the rights of the people in elections, pursuant to Amendment XIV, is a right which is properly adjudicated in the Federal Courts of the United States, and that an equitable remedy is easily adjudicated in such cases. There is no substantive difference between the Constitutional rights contained in Baker and those which are presented in this appeal. Both concern elections in which the Constitution protects only the free choice of the people in elections, and permits and allows only election results which are based on the free choice of the people. If there is substantive difference among the cases quoted above, it is that the issues which are contained in this instant appeal

are more substantive, and that there is greater urgency for Orders by the Supreme Court which provide effective protection for the laws of the Constitution, and which restore the rights of the Appellant and the People.

The Federal Questions in this appeal are substantial because the points of law which are contained in the questions are substantial: 1) Judicial protection is mandated for the supremacy of the laws of the Constitution. 2) The laws of Amendments XII, XIV, and XX are clearly stated and complete. Application of the laws is required of the Federal Courts rather than interpretation. 3) The 1980 Presidential Elections were abridged, for which the Constitution mandates a relief which corrects the wrong. 4) Injury and damage of every kind accrue to the Appellant and to the people from the deprivation of rights which are contained in the laws of

Amendments XII and XIV, and Article II.

5) The Federal Courts have already provided the remedy which is requested, in such cases as Reynolds v. Sims, supra, and in Reynolds v. State Election Board, (App. at 46a), and the Federal Government has advocated, Amicus Curiae, that such remedy should be provided. (App. at 50a)

I. JUDICIAL PROTECTION IS MANDATED FOR THE SUPREMACY OF THE LAWS OF THE CONSTITUTION.

Judicial protection for the supremacy of the laws of the Constitution is mandated by Article VI, Amendment XIV, and elsewhere in the Constitution. Pursuant to these laws, the Federal Courts are required to adjudicate all controversies, in which inferior laws and acts of Congress require or permit conditions which deprive the laws of the Constitution of their intent and effectiveness, and the people of the right to government under the laws of the Constitution.

The laws of the Constitution are the permanent law of the nation. They may not be amended by the Executive Branch, by Congress alone, or by the Judiciary. Further, Amendment XIV states that no state may make or enforce any law which deprives any Constitutional right which is secured for citizens of the United States. These principles have been entered into many cases decided by the Supreme Court. In Marbury v. Madison, 1 Cranch 137, Chief Justice Marshall delivered the Opinion which stated:

> When the rights of individuals and Americans are dependent on the performance of acts by government officials, officers are amenable to the laws for their conduct.

In Reynolds v. Sims, supra at 534, Chief Justice Warren delivered the Court's Orders which read in part:

> A denial of Constitutionally protected rights demands judicial protection. The judicial oath of office requires no less.

Damage and injury accrue to the laws of the Constitution, and thus to the People, when some, but not all, of the laws are executed and enforced. Every law of the Constitution acquires the effectiveness intended, only when every other law is also enforced. The People have a Constitutional right to the executing and enforcing of every law of the Constitution--to government under the laws of the Constitution, rather than government by inferior laws which deprive the Constitution of its supremacy.

The laws of the Constitution require Presidential elections which differ from those which were provided the people in the 1980 Presidential Elections. A Supreme Court declaratory judgment which states the rights of the People in Presidential Elections, pursuant to Amendments XII, XIV, and XX, and Article II is urgently needed to repair a grievous wrong that was inflicted by unconstitutional laws, and the negligence

of the Appellee in executing the laws of the Constitution. An Order implementing the judgment immediately responds to the right of the people to the government which is established by the Constitution.

II. THE LAWS OF AMENDMENTS XII, XIV, AND XX, AND ARTICLE II ARE CLEARLY STATED AND COMPLETE. THEY ESTABLISH THE RIGHTS OF THE PEOPLE IN PRESIDENTIAL ELECTIONS. THESE LAWS ARE DECISIVE OF THE QUESTIONS CONTAINED IN THESE PROCEEDINGS. THEY REQUIRE APPLICATION BY THE FEDERAL COURTS RATHER THAN INTERPRETATION.

The laws and rights sought to be protected in the instant appeal are substantive. As Justice Black stated in the Supreme Court's Opinion in Wesberry v. Saunders, supra:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

The rights of the people in Presidential Elections are clearly articulated

in the text of the Constitution and in reports on the deliberations in Congress prior to the ratification of the relevant laws by the States. The fundamental rights protected by the Constitution establish: 1) that the People have a right to Presidential and Vice Presidential Elections which are unabridged "in any way". 2) that the people have a right to guarantees by the Federal Government and the Federal Courts that only unabridged elections shall be provided or permitted. 3) that no state law shall abridge, restrict, or dilute the rights of the People in Presidential Elections as those rights are contained in the Constitution. 4) that People and People alone, shall be the principal consideration in all elections for the Office of President of the United States. 5) that the People shall have the right to name directly and on separate ballots, their choices for both the offices of President and Vice-President.

6) that parties or any other classifications of people shall not be allowed, nor shall they be provided, unique roles in any election for Federal office. 7) that the role assigned the Electoral College (the Electors) in Presidential Elections shall be no more than that of reporting the preferences of the people of the various states to the Congress. 8) that the intent of all election procedures shall be the establishment of popular, majority government. 9) that when elections for the Office of President are necessary in the House of Representatives, Members of the House shall give primary consideration to the preferences of the People within the context of the events of the elections. 10) that when no President or Vice President is qualified by an abridged election, a new president shall be chosen in elections by the People, and 11) that elections shall provide for equal protection of the laws.

In addition to the texts of Article II and Amendments XII, XIV, and XX, the principal authorities which support the protection of these rights are: The Annals of the Congress of the United States, Volume 13, which contains the deliberations of the Congress prior to the ratification of Amendment XII by the states; The Congressional Globe; Volume 36, which contains Congressional deliberations on Amendment XIV prior to ratification by the states; The Congressional Record; Volumbe 75, which contains the Congressional deliberations on Amendment XX prior to its ratification by the states; The Report on the Federal Constitution; James Madison's reports on the proceedings of the Constitutional Convention; and Washington's "Farewell to Congress" Address, Washington being President of the Constitutional Convention.

In Amendment XIV, the Constitution mandates a relief from Presidential and

and Vice Presidential Elections which are abridged "in any way". The Amendment mandates a relief which reduces the representation in Congress for offending states, and similarily reduces the representation of those states in Electoral College voting in Presidential Elections. The Federal Courts have jurisdiction in all such cases. Further, the Amendment establishes a United States guarantee that only unabridged elections will be provided the people. In Presidential Elections, the effectiveness of citizens' ballots in one state is only protected when elections in every other state are unabridged, for the results of Presidential Elections are established by the results of elections in each of the states.

The Supreme Court has adjudicated cases pursuant to Amendment XIV. Among these are Wesberry v. Saunders, Baker v. Carr, and Reynolds v. Sims, infra, in which the Supreme Court has articulated the

Constitution's mandate of "one man, one vote". The Constitution, in Amendment XII, intends that the same principle shall apply in Presidential Elections. (See the quotation from the Annals, pages 51-2 of this Jurisdictional Statement.)

Concerning the rights of the people in Presidential Elections, the deliberations in Congress on Amendment XII, which are reported in Volume 13 of the Annals of the Congress of the United States, establish that it is the people, and only the people, who shall select the President and Vice-President of the United States. Commenting on that part of Amendment XII which requires that elections for President in the House of Representatives, when necessary, shall be from among three candidates rather than from five as provided by Article II, Senator Taylor stated:

> He preferred the number three in the Amendment, as it brought the election two degrees nearer to the people, because a Constitution was not intended

> for the convenience of the servants, but for the use of the Sovereign--the people. (Id. at 114)

James Elliott's remarks in the House of Representatives, as reported in the Annals are as follows:

> I believe it important to all the members of the Union that the process of election should be simple and pure, and that the President should be elected by a fair expression of public sentiment. (Id. at 685)

Robert Wright of Maryland stated in the Senate:

> He had thought the number five would equally answer the purpose of election. Arguments had convinced him that three would be still more safe; because it would give greater certainty to the choice by the people. And was there a man in that House who would dare to say that the people ought not to have the man of their choice? They look for the security of that right, and the principle of designation secures it. (Id. at 202)

Concerning elections to the Office of Vice President, Amendment XII establishes the right of the People to elect a Vice-President independant of any consideration for the Office of President, and on separate

ballots. A President, Presidential Candidate, or political party have no Constitutional right to unique participation which deprives the people of their rights in elections for the Office of Vice-President. The Annals report the statements of Samuel Smith of Maryland in the Senate as follows: (Id. at 202)

> He had moved the insertion of three instead of five, with the precise and special intention that the people themselves should have the power of electing the President and Vice President, and that intrigues should therefore forever by frustrated. The intention of the Convention (Constitutional) was that the election of the chief officers of the Government should come as immediately from the people as practicable.

Concerning political parties, the Congressional deliberations on Amendment XII gave consideration for political parties, and concluded that no rights should be assigned to political parties, and that none could be acquired. Presidential Elections are to be, simply, the free choice of the People. The Annal's reports

of John Taylor's comments in the Senate on this subject are as follows: (Id. at 99)

> No man he believed who advocated the Amendment whould submit to a classification of men, or the establishment of patrician and plebian orders... (E)xperience teaches us to avoid the dangers of diets, which are always exposed to intrigues and corruption... One or two elections by a diet would repay the small states with what? with monarchy. It is for this reason, then, that we wish to keep the election where they should be, in the hands of the people, where, from very obvious cause, neither intrigue nor corruption can operate.

And at 188:

> This amendment receives my approbation and support... because I think it is the intention of the Constitution that the election of a President and Vice President should be determined by a fair expression of the public will by a majority, and not that this intention should be defeated by the subsequent occurance of a state of parties, neither foreseen nor contemplated by the Constitution or those who made it.

Concerning the Electoral College, the members of the electoral college acquire none of the rights of the people to elect the President and Vice President. The

Electoral College was only created to give small states more influence than their populations would otherwise allow. Electors are required to meet separately in their respective states. They do not negotiate together to decide who the President shall be, nor do they cast a second ballot if no President is elected on the first. Comments on these procedures are contained in the Annals' report of a statement by John Taylor in the Senate. (Id. at 115):

> Your constitution directs elections (by the Electoral College) in the state, not assembled in one place, and why? to prevent the evils to which Diets or legislative bodies are exposed.

and further:

> /ould the election by a Diet be preferable or safer than the choice by Electors in various places so remote as to be out of scope to each others influence, and so numerous as not to be accessible to corruption? It is true, that the number three has a greater tendency to give the choice to the people.

Concerning popular-majority government, it is the Constitution's intent that every

procedure shall be so inclusive and so unrestrictive as to provide for the participation of every American in elections. There may be many candidates, each with an equal right to office. Every citizen shall have an equally effective voice in the elections, and a ballot of equal value. Caesar Rodney commented on this intent of the Constitution in a statement in the House. (Annals, at 680).

> (In Article II), if no person have a majority, the House shall choose by states from the five highest. A case might occur where six of the candidates would have equal votes.

And, Representative John Campbell's comments as they are reported in the Annals at 715:

> Whenever, therefore, the intention of the people in framing their Government can be ascertained, I consider it the duty of those who administer the Government to preserve their intention as nearly as possible. I have always considered it the intention of the framers that the Chief Magistrate shall be chosen by the people, through their Electors, and not by the States represented in the House. I am not willing that the minority should rule the nation, or have it in their power to defeat the will of the majority.

All of the Constitutional mandates and rights just enunciated, are consistant with the principles expressed by George Washington in his "Farewell to Congress" address. In the address, Washington warned the Congress of the dangers political parties present to Constitutional government. He reasoned that parties "agitate the community with ill founded jalousies and false alarms, (and) kindle the animosity of one part against another." He said further, that parties are a vehicle for which "cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of Government." Rather, he said, it is the Constitution's intent to create a government of "popular character", "government purely elective". In making this statement, and as President of the Constitutional Convention, Washington would have known what difficulties would accrue to the Constitution if a partisan

House of Representatives gained the responsibilities which are assigned to a nonpartisan House in Presidential Elections.

When the rights just discussed are deprived the citizens, or when they are "in any way" restricted, Presidential Elections are abridged pursuant to Amendment XIV. Throughout the Supreme Court's Orders in Reynolds v. Sims, supra, Chief Justice Warren emphasized that the questions involved in such controversies are substantial:

> Overweighting and overvaluation of the votes (for some) has the certain effect of dilution and undervaluation of the votes (for others)... Their right to vote (the undervalueds') is simply not the same right to vote (as the overvalueds').

III. THE 1980 PRESIDENTIAL ELECTIONS WERE ABRIDGED, UNCONSTITUTIONAL, AND INVALID PURSUANT TO AMENDMENTS XII AND XIV, FOR WHICH THE CONSTITUTION MANDATES A RELIEF WHICH CORRECTS THE WRONG.

The question of abridgments of

Presidential elections is a most serious and substantial federal question, for which the Federal Courts and the Judiciary are authorized and mandated to provide a remedy.

Every ballot cast in the 1980 Presidential Elections is adjudicative evidence that the Elections were so abridged as to deprive the people of their right to elect the President and Vice President, pursuant to Amendment XII, and their right to be governed according to the laws of the Constitution.

The 1980 Presidential Elections were unconstitutional by having provided an election in which the results of the election were established by considerations other than the free choice of the people. The advantages of Presidential elections based on the free choice of the people, and the Constitutional rights which are contained in such an election, were enumerated by Wilson Nicholas in the Senate deliberations

on Amendment XII. Senator Wilson stated:

> (It renders) the Chief Magistrate (President) dependant only on the people at large, and independant of any party or state interest. The People have the sovereign power, and it was intended by the Constitution that they have the election of the Chief Magistrate. (Annals, supra)

The people had unequal voices in establishing what was contained on ballots in the 1980 Presidential Elections. Perhaps a majority had no voice whatever, and they were disenfranchised.

The rights of the People were abridged in the 1980 Presidential Elections by the failure of election procedures to provide separate ballots in elections for the office of President and the office of Vice-President. A citizen could not indicate preferences separately, and the right of the citizen to an effective voice was abridged.

The elections in 1980 were debased, diluted, and abridged by the unique participation of classifications of people. Any

classification of people, which has as its effect, the restriction of the Constitutional rights of citizens in elections for the office of President, abridges those elections. The principle of elections of United States Presidents by classifications of people, or from among unique classifications of people, offends the Constitution.

The elections were unconstitutional for failing to provide the people an equally effective voice in government and ballots of equal value. In the 1980 Presidential elections, ballots contained names of political parties, and listed candidates according to political parties. Such advantages on ballots deprive every citizen of an effective ballot, by depriving a portion of the citizens of an effective ballot. Further, they suggest a greater or Constitutional right to office for some than for others.

The elections were abridged by the failure of procedures to provide an equal

right for every candidate to be elected. There is no Constitutional provision which establishes that some citizens have a greater right to an office than others. Statements by officers of the United States, under color of any law, which advocate differently, offend the Constitution, and abridge Presidential elections.

The 1980 Presidential Elections were abridged by their failure to provide the people with popular-majority government as the people ordain, establish, and mandate in the laws of the Constitution. Nearly a majority, 47 percent, cast no ballot which was counted, and they thus had no effective voice in the results of the election. Perhaps fewer than one voter in four actually cast a ballot for a single candidate. In the Supreme Court Order in Anderson v. U. S., supra, which was delivered by Justice Marshall, the Court ruled that when some voters are deprived of effective

ballots, every voter is deprived of an effective ballot, because the results of the election are established on some basis other than the free choice of the people.

An effective franchise is the essence of a democracy. The importance of the points of law in this appeal, require judicial protection for the supremacy of the laws of the Constitution and for the rights of the People. The participation of invalid electors in the proceedings in Congress, January 6, 1981, made those proceedings unconstitutional.

IV. INJURY AND IRREPARABLE DAMAGE OF EVERY KIND ACCRUE TO THE APPELLANT, THE PEOPLE, AND TO THE CONSTITUTION FROM THE DEPRIVATION OF RIGHTS WHICH ARE CONTAINED IN THE LAWS OF AMENDMENTS XII AND XIV, AND ARTICLE II.

The Federal questions are substantial because injury and irreparable damage of all kinds, immediate and long term, economic and social, domestic and international,

accrue to the Appellant, to the People, and to the Constitution, from the deprivation of government under the laws of the Constitution.

No person presently in the Executive Department of the United States has the authority of the Constitution to perform any duty which is required by Article II. The ineffective government which results, deprives the People of judicial protection of their rights, establishes immense debts which must be paid in future decades, denies the people of capital improvements by governments at all levels, diminishes the national heritage and resources, and deprives the people of the achievements which a great nation might expect. Commerce and industry, which are essential to our nation, are discontinued. The laws of the Constitution are debased, and our national prestige among the nations of the world is diminished. Suffering and the waste of

human resources are inflicted, all of which result in social problems for our nation. The laws of the Constitution are deprived of their supremacy and credability, and the People, of their sovereignty.

The need for judicial protection is urgent. In the Supreme Court's Orders in Swann v. Board, 402 US 15, Mr. Chief Justice Burger, who delivered the Order, stated:

> Where there is a Constitutional mandate for such (equitable) remedy, that remedy must be a speedy remedy.

V. THE FEDERAL COURTS HAVE ALREADY ORDERED THE REMEDY WHICH IS DEMANDED BY THE APPELLANT, AND THE UNITED STATES, AMICUS CURIAE, HAS ADVOCATED THAT SUCH REMEDY SHOULD BE AVAILABLE IN ELECTIONS WHICH HAVE BEEN ABRIDGED.

The remedy which is demanded by the Appellant in these proceedings consists only of the restoration of rights which are secured for the people in the Constitution. No officer of the United States may advocate deprivation of these rights without offending

the Constitution pursuant to 18 U.S.C. § 241.

The Federal Government has advocated the remedy in Baker v. Carr, supra, and other cases. (App. at 50a) The Government stated, Amicus Curiae:

> The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.

and:

> The need for constitutional protection is urgent because malapportionment... is subverting responsible State and local government.

In cases in which there are abridgments of Federally protected elections, the Supreme Court has ruled that the burden of proof rests with the Defendant-Appellee. Justice White, delivering the Orders of the Court in Swann v. Adams, 385 US 445, stated:

> As this case comes to us we have no alternative but to reverse. The District Court made no attempt to explain or justify the many variations (in the value of ballots in elections).

In Reynolds v. Sims, and Baker v. Carr, infra, the Supreme Court ordered that an equitable remedy which restored the rights of the people in Federal and State elections is an order which is mandated by the Constitution. Such an order, Reynolds v. Board, 233 F. Supp. 323, is included in the Appendix of this Jurisdictional Statement. (App. at 46a). The order in Reynolds, Id. contains elements of the Writ of Election, states what is required of Federally protected elections, declares all laws invalid which deny Federally protected rights, declares invalid, the results of a prior election which failed to conform to Constitutional mandates, and requires new elections which provide in every way for the laws of the Constitution according to a Court Ordered Plan.

The Orders and relief demanded by Appellant are appropriate Orders. (App. at 26a).

. . ABUSE OF DISCRETION

The District Court abused its discretion in all of the proceedings in the action. There are no points of law which support any order in these proceedings, other than one which grants the relief which Plaintiff-Appellant has demanded in these proceedings, and the Court failed to be responsive to the issues which were entered into the court in the complaint.

Further, a three judge panel should have been provided in every proceeding in this action. The Congress has determined that a three judge panel is essential for the protection and effective adjudication of the rights of the people in elections to the House of Representatives and to state legislatures. Amendment XIV provides a protection for all elections, Presidential as well as Congressional. It is not within the power of Congress to provide protection

for some but not all elections. If a three judge panel is essential to the protection of the voting franchise in Congressional elections pursuant to Amendment XIV, it is also essential to Presidential Elections.

It is possible that Congress did no anticipate the issues which are contained in this section. In that condition, it is the duty of the Court to provide for the intent of the statutes (28 U.S.C. § 2284) by providing for a three judge panel, by its own motion if that were necessary. The District Court so ordered in Baker v. Carr, supra. Such a motion is supported by the Amicus Curiae Brief of the Federal Government in the rehearing of Baker v. Carr, (App. at 50a). The Federal Government stated in the Brief, that the voting franchise is the most important of all rights in the form of Government which is established by our Constitution, (App. at 51a), and that where there is an abridgment

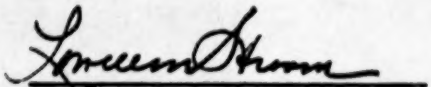
of the right to vote, a court of equity could easily fashion a relief in proceedings, invoking the protection of elections which is contained in the Fourteenth Amendment. Amendment XIV actually mandates a reapportionment of the Congress when Presidential Elections are abridged.

CONCLUSION

For the reasons stated above, appellant submits that this appeal brings before the Supreme Court one of the clearest denials of Constitutional rights yet brought before the Court, in substantial and important federal questions which require plenary consideration for their resolution. Judicial protection for the supremacy of the laws of the Constitution, and the right of the

people to government by the people, under the laws of the Constitution, demands and mandates this. In consideration for the urgency of these federal questions, the entire case should be brought up and expeditious proceedings should be established.

3 February 1983 Respectfully submitted,



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Note:

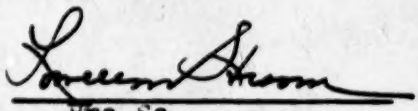
When pages 11, 12, 13, 14, and 17 are subtracted from the total number of pages in this Statement as permitted by Rule 15.3 of the Rules of the Supreme Court, this Jurisdictional Statement has 65 pages.

Certificate of Service.

Lowell M. Stroom, Pro Se, Plaintiff above named, hereby certifies that on 3 February 1983, he served the attached "JURISDICTIONAL STATEMENT" by mailing three (3) perfect copies thereof by certified U. S. Mail, postage prepaid, addressed to the Appellee as follows: To James E. Carter, Pro Se, Plains, Georgia, 31780. Further, that service was made in person on February 3, 1983 as follows: To the Solicitor General at his office in the U. S. Department of Justice, Washington, D. C., by handing three (3) perfect copies to a person who is authorized to accept such service for the Solicitor General. To the U. S. Attorney General, at his office in the U. S. Department of Justice, Washington, D. C., by handing three (3) perfect copies to a person authorized to accept such

service for the U. S. Attorney General. and to the U. S. Attorney, at his office in the U. S. Courthouse, Washington, D. C., by handing three (3) perfect copies to a person who is authorized to receive such service for the U. S. Attorney. Acknowledgment of Service by each of the above is filed with the "JURISDICTIONAL STATEMENT" in the Supreme Court.

3 February 1983



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APPENDIX A

(i) Copy of the Order of the United States District Court whose decision is sought to be reviewed.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff,	)	Civil Action 81-2192 (Filed: Dec. 14, 1982)
v.	)	
JAMES E. CARTER, Defendant.	)	

O R D E R

This action is before the Court on plaintiff's motion for new trial, request for hearing, and application for a three-judge panel. Upon consideration of these papers, the Court's memorandum opinion in this case filed December 28, 1981, the Court of Appeal's summary affirmance, Stroom v. Carter, No. 82-1114 (D. C. Cir. May 24, 1982), and the entire record, the Court finds plaintiff's latest papers frivolous and accordingly denies them

without requiring a response from the defendant.

December 13, 1982

JUNE L. GREEN
June L. Green
U. S. District Judge

APPENDIX B

(ii) Copies of All Other Orders Rendered by Courts in the Case

(ii.1) The Order of the Supreme Court Denying a Rehearing on a Petition for Writ of Certiorari.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
Washington, D. C. 20543

November 8, 1982

Mr. Lowell M. Stroom
4030 Spruce Street
Philadelphia, PA 19104

Re: Lowell M. Stroom,
v. James E. Carter
No. 82-318

Dear Mr. Stroom:

The Court today entered the following order in the above entitled case:

The petition for rehearing is denied.

Very truly yours,

Alexander L. Stevas, Clerk

(ii.2) The Order of the Supreme Court Denying a Petition for a Writ of Certiorari.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
Washington, D. C. 20543

October 4, 1982

Mr. Lowell M. Stroom
4030 Spruce Street
Philadelphia, PA 19104

Re: Lowell M. Stroom,
v. James E. Carter
No. 82-318

Dear Mr. Stroom:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Very truly yours,

Alexander L. Stevas, Clerk

(ii.3) The Order of the Court of Appeals Concerning the Certification and Transmission of the Record to the Supreme Court.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom, Appellant
v.
James E. Carter, President (formerly)

Civil Action 81-02192

Filed Sep 2 1982
George A. Fisher
Clerk

ORDER

Upon consideration of appellant's request for certification and transmission of record, it is

ORDERED, that upon payment of proper fee, the Clerk is directed to prepare, certify and transmit, to the Supreme Court of the United States, a record of all proceedings in the above captioned case; And it is

FURTHER ORDERED, that the Clerk of the District Court shall retransmit to this Court the certified record of

proceedings in District Court as soon as the business of his office permits and the Clerk of this Court, upon receipt of the aforementioned certified record of proceedings in District Court, shall transmit same to the Supreme Court of the United States.

FOR THE COURT,

GOERGE A. FISHER
George A. Fisher
Clerk

(ii.4) Order of the U. S. Court of Appeals Denying a Rehearing.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom,
Appellant

v. Filed Jun 28 1982

James E. Carter, President (formerly) George A. Fisher Clerk

BEFORE: Wilkey and Wald, Circuit Judges

O R D E R

On consideration of appellant's petition for rehearing, filed Juen 27, 1982, it is

ORDERED by the Court that the aforesaid petition is denied.

FOR THE COURT,

George A. Fisher,
Clerk

BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(ii.5) Order of the U. S. Court of Appeals Denying a Rehearing En Banc.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom,
Appellant

v. Civil Action No.

James E. Carter, 81-02192
President
(formerly)

BEFORE: Robinson, Chief Judge, Wright, Tamm, MacKinnon, Wilkey, Wald, Mikva, Edwards, Ginsburg and Bork, Circuit Judges

O R D E R

Appellant's suggestion for rehearing en banc has been circulated to the full Court and no member of the Court has requested the taking of a vote thereon. On consideration of the foregoing, it is

ORDERED by the Court en banc that the aforesaid suggestion is denied.

Per Curiam

FOR THE COURT:

Filed Jun 28 1982
George A. Fisher
Clerk

George A. Fisher
Clerk
BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(ii.6) Order of the U. S. Court of Appeals Denying Appellant's Motion for Court Rulings on Procedure.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114 September Term, 1981

Lowell M. Stroom,
Appellant
v.
James E. Carter,
President
(formerly)

Civil Action No.
81-02192

Filed Jun 28 1982
George A. Fisher, Clerk

BEFORE: Wilkey and Wald, Circuit Judges

O R D E R

On consideration of the petition in reference to Appellant's "Motion for Court Ruling On Procedures" entered 19 May 1982, and a disposition order having been entered on May 24, 1982, it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam

FOR THE COUaT:

George A. Fisher,
Clerk

BY: ROBERT A. BONNER
Robert A. Bonner
Chief Deputy Clerk

(ii.7) Order of the U. S. Court of Appeals denying appellant's motion for temporary restraining orders and afirming "the order of the District Court on appeal".

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82=1114 September Term, 1981

Lowell M. Stroom,
Appellant
v.
James E. Carter,
President
(formerly)

Civil Action No.
81-02192

Filed May 24 1982
George A. Fisher
Clerk

BEFORE: Tamm, Wilkey, Wald, Circuit Judges

O R D E R

On consideration of appellee's motion for summary affirmance, the response thereto, appellant's motion for immediate temporary restraining order, the opposition and of the reply, it is

ORDERED by the Court that the motion for temporary restraining order is denied, and, it is

FURTHER ORDERED by the Court that the order of the District Court on appeal herein is summarily affirmed. It is

FURTHER ORDERED by the Court, sua sponte, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See Local Rule 14, as amended on November 30, 1981.

Per Curiam

Circuit Judge Tamm did not participate in the foregoing order.

(ii.8) Order of the U. S. Court of Appeals Denying Initial Hearing En Banc.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114

Lowell M. Stroom,
Appellant,
v.
James E. Carter,
President
(formerly)

September Term, 1981
Civil Action No.
81-02192

Filed Apr 23 1982
George A. Fisher
Clerk

BEFORE: Robinson, Chief Judge, Wright, Tamm, MacKinnon, Robb, Wilkey, Wald, Mikva, Edwards, Ginsburg and Bork, Circuit Judges

O R D E R

On consideration of appellant's suggestion for en banc hearing, the suggestion having been circulated to the full Court and no Judge having called for a vote thereon, it is

ORDERED by the Court, en banc, that appellant's suggestion for initial hearing en banc is denied.

Per Curiam

For the Court

GOERGE A. FISHER, CLERK

BY: DANIEL M. CATHEY
Daniel M. Cathey
First Deputy Clerk

(ii.9) Order of the U. S. Court of Appeals Denying an Expedited Hearing.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

No. 82-1114	September Term, 1981
Lowell M. Stroom, Appellant	Civil Action No. 81-02192
v.	
James E. Carter, President (formerly)	Filed Apr 23 1982 George A. Fisher, Clerk

BEFORE: Tamm, Ginsburg* and Bork, Circuit Judge

O R D E R

On consideration of appellant's application for expedited proceedings, of the opposition thereto, it is

ORDERED by the Court that appellant's application for expedited proceedings is denied.

Per Curiam

*Circuit Judge Ginsburg did not participate in this order.

(ii.10) The Order of the District Court Denying a Rehearing. No Opinion was filed with This Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM
Plaintiff

v.

JAMES E. CARTER
Defendant

Filed Jan 19 1982

Civil Action No.
81-2192

O R D E R

Upon consideration of plaintiff's motion for amendments to the Court's findings of December 28, 1981 and a new trial, and the entire record in this action, it is by the Court this 19th day of January 1982,

ORDERED that plaintiff's motion is denied.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

(ii.11) Order of the U. S. District Court Dismissing Action.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM
Plaintiff

v.

JAMES E. CARTER
Defendant

Civil Action No. 81-2192

Filed Dec 28 1981

O R D E R

Upon consideration of defendant's motion to dismiss, plaintiff's response, and the entire record in this action, for the reasons stated in the accompanying opinion, it is by the Court this 28th day of December 1981,

ORDERED that defendant's motion to dismiss is granted; and it is further

ORDERED that this action is dismissed.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

(ii.12) Memorandum Opinion of the U. S. District Court.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM
Plaintiff
v.
JAMES E. CARTER
Defendant

Civil Action No. 81-2192

Filed Dec 28 1981

MEMORANDUM OPINION

The Court grants defendant's motion to dismiss because plaintiff has failed to state a claim upon which relief can be granted. Fed.R.Civ.Pro. 12(b)(6).

Plaintiff alleges he was a candidate for president in 1980. He claims that former President Carter acted unconstitutionally and negligently in allowing the Federal Election Campaign Act of 1971 to be applied to the presidential election; that the Republican Party failed to give plaintiff a place on the ballot in various states; that the news media of various states failed to give his candidacy proper attention; and that these media problems

inhibited his ability to gain financing for his candidacy.

Plaintiff has filed three motions: the first seeks to set aside the 1980 presidential election; the second asks the Court to declare the office of the president and vice president vacant; and the third seeks to direct Congress and the states to adopt new election laws.

The heart of plaintiff's concerns appear to be the differing treatment of major and minor political parties for campaign financing under the Federal Election Campaign Act (the Act), 26 U.S.C. §9001 et seq. The Act treats major parties differently from minor or new parties. Id., 9001. Plaintiff argues that political parties should have no role in elections.

The Supreme Court in Buckley v. Valeo, 424 U. S. 1 (1976) rejected similar contentions in upholding the portion of the Act

governing campaign financing:

> Appellants insist that Chapter 95 falls short of the constitutional requirement in that its provisions supply larger, and equal, sums to candidates of major parties, used prior vote levels as the sole criterion for pre-election funding, limit new-party candidates to post-election funds, and deny funds to candidates of parties receiving less than 5 per cent of the vote. These provisions, it is argued, are fatal to the validity of the scheme, because they work invidious discrimination against minor and new parties in violation of the Fifth Amendment. We disagree.
>
> As conceded by appellants, the Constitution does not require Congress to treat all declared candidates the same for public financing purposes. . . (T)here are obvious differences in kind between the needs and potentials of a political party with historically established political support, on the one hand, and a new or small political organization on the other. . . The Constitution does not require the Government to "finance the efforts of every nascent political group," merely because Congress chose to finance the efforts of the major parties.
>
> Id. at 97-98 (footnotes and case citations omitted).

The Supreme Court held that the statutory scheme providing different treatment of major and minor political parties was a

constitutional choice within the authority of Congress. Id. at 97-104. Plaintiff's attacks on the Act and the differing treatment accorded his candidacy compared with the candidacies of major parties thus fail to state a claim upon which relief can be granted. The Court grants defendant's motion and dismisses this action.

An appropriate order accompanies this opinion.

JUNE L. GREEN
June L. Green
U. S. DISTRICT JUDGE

December 28, 1981

(ii.13) Order of the U. S. District Court granting defendant an enlargement of time to reply.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM,
Plaintiff,
v.
JAMES E. CARTER,
Defendant

Civil Action No. 81-2192

Filed Nov 19 1981

O R D E R

UPON CONSIDERATION of defendant's motion for enlargement of time and the entire record, it is this 18th day of Nov., 1981

ORDERED that defendant's motion is hereby granted, and it is

FURTHER ORDERED that defendant shall have until November 24, within which to respond to plaintiff's complaint and three motions.

JUNE L. GREEN
June L. Green
UNITED STATES DISTRICT JUDGE

(ii.14) Order of the U. S. District Court Granting 'Defendant" an Enlargement of Time to Reply.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff
v.
JAMES E. CARTER, Defendant.

Civil Action No. 81-2192

Filed Sep 30 1981
James F. Davey, Clerk

O R D E R

UPON CONSIDERATION of defendant's motion for enlargement of time and the entire record, it is this 30th day of Sept, 1981

ORDERED that defendant's motion is hereby granted, and it is

FURTHER ORDERED that defendant shall have until November 16, 1981 within which to respond to plaintiff's three motions attached to his complaint.

JUNE L. GREEN
June L. Green
UNITED STATES DISTRICT JUDGE

APPENDIX C

(iii) A Copy of the Judgment Appealed from. The Order appears in Typewritten Form in Appendix A, Pages 1a and 2a.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LONELL M. STROOM)
Plaintiff)
v.) Civil Action No. 81-2192
JAMES E. CARTER)
Defendant)

FILED
DEC 14 1982
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

ORDER

This action is before the Court on plaintiff's motion for new trial, request for hearing, and application for a three-judge panel. Upon consideration of these papers, the Court's memorandum opinion in this case filed December 28, 1981, the Court of Appeal's summary affirmance, Stroom v. Carter, No. 82-1184 (D. C. Cir. May 24, 1982), and the entire record, the Court finds plaintiff's latest papers frivolous and accordingly denies them without requiring a response from the defendant.

JUNE L. GREEN
U. S. DISTRICT JUDGE

December 13, 1982

APPENDIX D

(iv) A Copy of the Notice of Appeal With Certificate of Service.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff,
v.
JAMES E. CARTER, Defendant.

Filed Dec 28 1982

Civil Action No. 81-2192

NOTICE OF APPEAL TO THE SUPREME COURT

Notice is hereby given that Lowell M. Stroom, the Plaintiff above named, hereby appeals to the Supreme Court of the United States from the order denying a three judge panel and a new trial entered in this action on December 14, 1982.

The appeal is taken pursuant to Title 28 United States Code, Section 1252.

Dated: 26 December 1982

by LOWELL M. STROOM
Pro Se
Lowell M. Stroom

CERTIFICATE OF SERVICE

Lowell M. Stroom, Pro Se, Plaintiff above named, hereby certifies that on December 28, 1982 he served the attached "Motice of Appeal" by mailing a copy thereof by certified U. S. Mail, postage prepaid, addressed to the Defendant as follows: To James E. Carter, Pro Se, Plains, Georgia 31780. Further, that service was made in person on December 28, 1982 as follows: To the Solicitor General at his office in the U. S. Department of Justice, Washington, D. C., by handing a copy to a person authorized to accept such service for the Solicitor General; To the U. S. Attorney General, at his office in the U. S. Department of Justice, Washington, D. C., by handing a copy to a person authorized to accept such service for the U. S. Attorney General; and to the U. S. Attorney, at his office in the U. S. Courthouse, Washington, D. C., by handing a copy to a person who is authorized

to receive such service for the U. S. Attorney.

Dated: 28 December 1982

by LOWELL M. STROOM
Pro Se
Lowell M. Stroom

APPENDIX E

(v) All Other Appended Materials

(v.1) Plaintiff-Appellant's Proposed Court Orders for Relief in the Civil Action Under Appeal, Entered into U. S. District Court 11 September 1981. The text here contains minor revisions to improve the reading only.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

O R D E R 1

UNITED STATES District Court for the District of Columbia notifies the Houses of Congress of the United States, their leaders, members, and employees, of its determination that the Presidential elections of November, 1980, failed to conform to the intent of the United States Constitution, by reason of election procedures which debase and dilute the voting franchise guaranteed by the Constitution. Mr. Carter's negligence in taking care that the Constitution's laws are executed resulted in procedures which failed to provide for the

voting franchise as guaranteed by the Constitution, and the selection of electors on some basis other than that which is required by Amendment XII, thus depriving voters of their liberties without due process of law (U. S. Const., amend V), and all citizens of a government which is established and ordained by the People in the Constitution. (U. S. Const., Amend. IX). (The Presidential elections in 1980 were abridged, for which judicial protection for the rights of the people in Presidential Elections is mandated in Amendment XIV of the U. S. Constitution.) The Court, pursuant to its oath of office, which is to support the Constitution, must declare the results of the election null and void (invalid), and order that such elections (and electors) can make no claim to qualifying a person for the Office of President or for the Office of Vice President. (U. S. Const., Amend. XX) Laws which conflict with the

Constitution, all other considerations inclusive, are null and void (invalid). (U. S. Const., art. VI)

UNITED STATES DISTRICT JUDGE

Dated:

(Text in parenthesis contain new and further grounds.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

O R D E R 2
(or Writ of Election)

UNITED STATES DISTRICT COURT for the District of Columbia hereby notifies the Houses of Congress of the United States, their leaders, members, and employees, of its determination that the Office of the President and the Office of the Vice President are vacant as of the date the Court declared the results of the 1980 Presidential Elections to be null and void, (invalid) (and the participation of electors, chosen on some basis other than that which is required by Amendment XII, in the proceedings in Congress on January 6, 1981, unconstitutional); and

FURTHER, the Court orders the Congress to call new elections for the fifth Tuesday following the date of issue appearing on

Order 1 of this proceeding. (The election's purpose shall be to qualify a President and a Vice President pursuant to the laws which are contained in Amendment XII, to select a President and Vice President solely on the basis of the preferences of the people, and to achieve popular-majority government, and according to Amendment XX.) The new presidential term of office shall begin as provided by Order 3 of this proceeding and continue until January 20, 1985. No legislation requiring Presidential approval shall be completed until a new President is inaugurated. The Supreme Court shall retain jurisdiction in this action. Essential administrative duties of the Government may proceed as prescribed by this Court.

UNITED STATES DISTRICT JUDGE

Dated:

(Text in parenthesis consists on new and further grounds.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff, Civil Action
v. 81-2192
JAMES E. CARTER, Defendant.

ORDER 3

UNITED STATES DISTRICT COURT for the District of Columbia, (pursuant to Amendment XII and Amendment XIV which provides judicial protection from the abridgment of the rights of the people in Presidential Elections), hereby Orders the Houses of Congress of the United States, their leaders and members, to establish that the Election Offices of each of the 50 states and the District of Columbia shall conform to the intent of the laws of the Constitution in all matters of the 1982 (1983) Presidential Special Election and thereafter. (The Court hereby enunciates the laws which are mandated by the Constitution in Amendment XII, and orders that any federal or state statutes, Articles or Amendments of State Constitutions, or local laws which deprive the citizens

of any of these rights, or "abridge them in any way", must yield to the laws of the Constitution, now and hereafter, for being unconstitution:)

1) No special provisions may be attached to any Candidate, such as to Lowell Stroom, or to any Candidacy, which do not apply to every other Candidate and Candidacy. 2) Each Candidate must have equal access to Federal Funding if it is provided. 3) Each Candidate must have equal access to Federally licensed communication stations. 4) The State and Federal governments, and subdivisions thereof, may make no expenditures, now or hereafter, which assist political parties or any such organization in the selection of nominees. 5) No endorsements, such as the names of parties or other organizations shall appear on any ballots for local, state, or Federal offices in the 1982 (1983) Presidential Special Election or in any election

thereafter. (U. S. Const., art IV, Amend. XIV). 6) Nothing may be presented in the election procedures "under color of any office" which favors any Candidacy, or which suggests that one citizen has a greater right to the office than another. 7) No persons who shall have contributed to the negligence, and to the debasement, dilution, and abridgments of the voting franchise and of the rights of the people in the 1980 Presidential Elections, shall be a Candidate in the 1982 (1983) Special Presidential Elections.

FURTHER, in consideration of the Constitution's mandates and intent as concerns the rights of the people in presidential elections:

> Article II, The Electors; Article IV, A guaranteed Republicna Form of Government; Article VI, The Supremacy of the Laws of the Constitution; Amendment V, Liberties Protected; Amendment IX, All Rights Reserved for the People and the Sovereignty of the People; Amendment XII, The Electors, The Right of the People to Elect the President and Vice President, and the

(Intent of All Elections to Achieve Popular-Majority Government), Separate Ballots for President and Vice-President. Amendment XIV, the Equal Protection of the laws and (the Right of the People to Elections Which Are Unabridged; and Amendment XX, the Right to a President Who is Qualified.

the Court orders that the following procedures shall be followed in the Special Presidential Election of 1982 (1983):

8) Each state shall appoint nonpartisan Electors who shall transmit accurately to the Congress the state's preferences as expressed in state elections for the President and Vice President, and as prescribed by the Constitution, (amend. XII), but consideration for the Electors shall not influence the form of Elections in the States. The election, and every related procedure, of the President and Vice President are the sole right of the People, which right may not be abridged by any law or statute. (U. S. Const., amend. XII).

9) The Right to Vote (the rights of the People in Presidential Elections) mandates

an equally effective voice for every citizen, including an "equal voice" in nominating procedures. The Court orders the Congress to invite nominations for the Office of President and for the Office of Vice-President in the "1982 (1983) Presidential Special Elections" immediately upon receipt of this Court Order, from each of the organizations named on the Court's "Approved List of Nominating Organizations" attached hereto. In the "call for nominations", organizations shall be informed of the intent of the procedures which is: A) to establish excellence in the Office of the President and in the Office of the Vice-President; B) to provide for the Constitution's intent, which makes the People responsible for providing Presidential nominations, and C) to match the talent of our nation to the great tasks of government. The "Organizations'" members shall be polled to the extent possible. The

"List of Organizations" shall not be considered permanent. Similar representative lists shall be created for future elections. The Organizations named shall transmit their nominations within two weeks of the "call", sealed and certified, to the President pro tempore of the Senate who shall open them in the presence of the Members of the Senate and of Court appointed Marshalls, who shall transmit a list of the nominations to the U. S. Printing Office for the preparation of ballots. Ten names of individuals, selected by the President pro tempore and including that of Lowell M. Stroom, who have had significant support for several years, constituting nomination, shall be placed on the list of Candidates for President before it is transmitted to the U. S. Printing Office.

10) The Elections shall provide for Equal Protection of the Laws. The U. S. Printing Office shall print ballots which

shall be used in every state. (U. S. Const., amend. XIV) Separate ballots shall be printed each for the Office of President, and for the Office of the Vice-President. (U. S. Const., amend XII). Nominations shall be listed in a random order on the ballots. (Amend., XIV). Equal spaces shall be provided for write-in nominations. (U. S. Const., amend. XII). No endorsements of any kind, such as the names of political parties or other organizations shall be printed on the ballots. (U. S. Const., Amend. V, XII, XIV).

11) As Ordered by this Court, Elections shall be called for the third Tuesday following the opening of the nominations in the Senate. If no Candidate shall have received a majority of votes in this balloting, Congress shall call a special run-off election for Tuesday, two weeks later, to elect a President and Vice-President from among the three Candidates who received the

largest number of votes cast. Ballots for this run-off election shall be printed by the U. S. Printing Office following the identical conditions stated in Provision 10 above. There shall be equal spaces for write-in votes, separate ballots for President and Vice-President, and no endorsements shall be listed.

12) On the Tuesday following the election, the Electors shall report the results of this election to the Congress as prescribed by Amendment XII of the U. S. Constitution.

13) The inauguration of the new President and Vice-President shall occur on the Tuesday, one week after the report of the Electors has been submitted to the Senate.

14) The term of office of every Presidentially appointed employee, presently employed by the Executive Department of the United States, shall be considered completed

on Tuesday, one week following the inauguration. Presidential appointees of the newly inaugurated President, with the advice and consent of the Senate, shall begin their duties and their term of office on the same day.

(The Court shall retain jurisdiction in these proceedings.)

UNITED STATES DISTRICT JUDGE

Dated:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOWELL M. STROOM, Plaintiff Civil Action
v. 81-2192
JAMES E. CARTER, Defendant

APPROVED LIST OF NOMINATING ORGANIZATIONS IN THE 1982 (1983) PRESIDENTIAL SPECIAL ELECTION

IN ACCORDANCE with the provisions of Court Order 3 of the United States District Court for the District of Columbia, it is hereby ordered that each organization named hereafter, shall be invited by the Congress of the United States to name one person who shall be a Candidate for the Office of President of the United States, and one person who shall be a Candidate for the Office of Vice-President of the United States.

1. The Philosophical Society
2. The National Association of Manufacturers
3. The Rotary Club
4. The League of Women Voters
5. The Sierra Club
6. The Farm Bureau
7. The American Association of Newspaper Editors
8. The National Urban League

9. The American Federation of Musicians
10. The U. S. Chamber of Commerce
11. American Medical Association
12. The National Grange
13. The United Steelworkers of America
14. American Association for the Advancement of Science
15. (Not Used)
16. The American Association of University Professors
17. United States Conference of Mayors
18. National League of Cities
19. The Republican Party
20. American Bar Association
21. National Parks and Conservation Association
22. National Governor's Association
23. American Association of Presidents of Independent Colleges and Universities
24. The Libertarian Party
25. The American Civil Liberties Union
26. The National Air Transportation Association
27. The Democratic Party
28. The National Council of Community World Affairs Organizations
29. The International Bankers Association
30. The Congress for Racial Equality
31. The Consumer Party
32. The Kiwanis Club
33. The Association of American Universities

UNITED STATES DISTRICT JUDGE

Dated:

(v.2) The January 6, 1981 proceedings and acts in Congress as reported in the Congressional Record.

□ 1250

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 50 minutes p.m., the Doorkeeper, the Honorable James T. Molloy, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

□ 1300

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker, Members of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under the precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. MATHIAS and Mr. FORD on the part of the Senate, and Mr. HAWKINS and Mr. DICKINSON on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair will now hand to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. DICKINSON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Ronald Reagan of the State of California received nine votes for President, and GEORGE BUSH of the State of Texas received nine votes for Vice President.

The VICE PRESIDENT. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

□ 1320

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read and the tellers will make the final ascertainment of the results and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the results:

The undersigned, CHARLES McC. MATHIAS, JR. and WENDELL H. FORD, tellers on the part of the Senate, AUGUSTUS P. HAWKINS and WILLIAM L. DICKINSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, nineteen hundred and eighty-one.

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan	Jimmy Carter	George Bush	Walter Mondale
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	6	6		6	
Arkansas	6	6		6	
California	45	45		45	
Colorado	7	7		7	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	17	17		17	
Georgia	12		12		12
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10		10		10
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	41	41		41	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	25	25		25	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	27	27		27	
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	4	4		4	
Tennessee	10	10		10	
Texas	26	26		26	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	6		6		6
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	489	49	489	49

CHARLES McC. MATHIAS, JR.,
WENDELL H. FORD,
Tellers on the Part of the Senate.
AUGUSTUS P. HAWKINS,
WILLIAM L. DICKINSON,
Tellers on the Part of the House.

The VICE PRESIDENT. The state of the vote for President of the United

States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Ronald Reagan, of the State of California, has received for President of the United States 489 votes;

Jimmy Carter, of the State of Georgia, has received 49 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

GEORGE BUSH, of the State of Texas, has received for Vice President of the United States 489 votes;

WALTER F. MONDALE, of the State of Minnesota, has received 49 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January, 1981, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution 1, 97th Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 30 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1330

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, the Chair directs that the electoral votes be spread at large upon the Journal.

(v.3) The Orders of the United States District Court in Reynolds v. State Election Board, 233 F. Supp. 323. The Orders in Reynolds are the equivalent of those prayed for in the present action on appeal. In Reynolds, the Order is an equitable relief with elements of the Writ of Election and the Writ of Mandamus.

> We . . . declare all legislative offices of the Oklahoma Legislature vacant as of the fifteenth day after the general election in November, 1964, and subject to special elections under 26 O.S. §§ 541-545, inclusive. It thus becomes the statutory duty of the Governor to call special elections as provided by 26 O.S. §§ 541-545, inclusive. The special elections will be conducted for the purpose of nominating candidates for the offices of the Senate and House of Representatives from the districts designated and delineated in the revised order of reapportionment hereinafter set forth. It is the obligation of the State Election Board and those acting under its authority and direction, to conduct elections as herein provided, out of any available funds appropriated to it. And, it is the obligation of the members of the Emergency Fund Board to make any necessary funds available to the Governor and to the State Election Board, for the purpose of conducting the special elections herein ordered."
>
> . . .

The Election Board of the State of Oklahoma, and all those acting by and under its authority, are hereby ordered and directed to accept filings and conduct elections, only in accordance with the provisions of the revised order of reapportionment, and in conformity with the special election statutes of the State of Oklahoma where not inconsistent herewith. The said Board and those acting by and under its authority are enjoined from accepting filings otherwise than in conformity therewith, from conducting special primaries or special or general elections otherwise than in conformity therewith, from issuing certificates of nomination or election otherwise than in conformity therewith, from declaring the results of any such election held otherwise than in conformity therewith, and from certifying to the Secretaries of the County Election Boards a list of nominees otherwise than in conformity therewith.

The election boards of the various counties are likewise directed and ordered to conform to the provisions of said order in their conduct of any special primary and general elections, as well as in obtaining ballots and certifying results therefor.

[11] All persons and parties are enjoined and restrained from interfering with the conduct of the electoral process in any manner, from interfering with the terms of said order in any manner, and from taking any actions designed to or which will have the effect of interfering with the carrying out of said order, except as may be provided by law for the appeal of this order to the Supreme Court of the United States. And

this Court retains jurisdiction for the purpose of making any further orders deemed necessary to insure the special elections provided herein, to the end that nominees for the legislative offices provided herein, in accordance with 26 O.S. §§ 541-545, inclusive, shall be duly certified for the general election in November, 1964.

REVISED ORDER OF RE-APPORTIONMENT

The Legislature of the State of Oklahoma is hereby apportioned as hereinafter provided from the date of this order until the fifteenth day after the general election in November, 1972, unless and until a Legislature, elected and constituted by virtue of this apportionment or the duly constituted Apportionment Commission shall reapportion the Legislature in accordance with the requirements of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The offices of all senators and representatives are hereby declared to be vacant as of the fifteenth day after the general election in November, 1964. The primary and run-off elections conducted in May, 1964, for nominations for the offices of senators and representatives from districts which do not strictly conform to the districts provided herein are hereby declared to be null and void. Those persons nominated in the 1964 primary elections from districts which strictly conform to the districts herein provided shall be the nominees of the appropriate districts and as to such districts only, the 1964 primary elections are not voided.

THE SENATE

The Oklahoma State Senate shall consist of 48 members who shall be apportioned during the period set forth above among the 48 senatorial districts of the State as provided herein.

The term of office of senators elected in the November, 1960, general election, as well as those nominated and elected at the November, 1962, elections, will end with the fifteenth day after the general election in November, 1964, all as provided in Moss v. Burkhart, supra, and affirmed by the Supreme Court of the United States.

Senators elected from even-numbered districts in November, 1964, shall hold office until the fifteenth day succeeding the general election in November, 1966, and senators elected from the odd-numbered districts in 1964 shall hold office until the fifteenth day succeeding the general election in November, 1968. The election of senators in 1966 and 1968 shall be for a term of four years, but the election in 1970 shall be only for a two-year term so that all terms shall expire on the fifteenth day succeeding the general election in 1972.

Each office is designated and distinguished numerically as provided herein and all filings of notification and declaration for nomination and election to any of such offices shall designate the number of the office to which the filings are intended to apply.

The Oklahoma Senate is, therefore, reapportioned as follows:

DISTRICT NO.	AREA WITHIN DISTRICT (Counties)
1.	Ottawa, Nowata, Craig
2.	Rogers, Mayes, Delaware
3.	Cherokee, Wagoner, Adair
4.	Sequoyah, LeFlore

(v.4) Excerpts from the Brief for the United States as Amicus Curiae on Reargument of Baker v. Carr, 360 US 186. The Brief contains a complete commentary on the laws of the Constitution as concerns the rights of the people in elections, concluding that the concept of law and justice as contained in the Constitution requires the Federal Courts to adjudicate the questions presented in Baker v. Carr. This is also the only recommendation an officer of the United States can make in the instant action on appeal.

In the Supreme Court of the United States

OCTOBER TERM, 1961

No. 6

CHARLES W. BAKER, ET AL., APPELLANTS

v.

JOE C. CARR, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE ON REARGUMENT[1]

* * *

at 10

1. This Court has repeatedly invalidated discriminations against a class of voters based on race. The prohibitions of the Fourteenth Amendment are not

confined to discriminations based on race, but extend to arbitrary and capricious action against other groups.

* * *

2. The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.

* * *
at 16

The exercise of sound equitable discretion requires the federal courts to retain jurisdiction and adjudicate the merits of the present controversy.

* * *

2. The seriousness of the wrong calls for judicial action. It is only a slight exaggeration to say that one-third of the voters of Tennessee rule the other two-thirds in the enactment of legislation.

3. The complainants have no judicial remedy outside of the federal courts because they have exhausted their remedies in the State courts.

* * *
at 17

This case involves the most basic right in a democracy, the right to fair representation in one's own government.

* * *

at 18

This discrimination, * * *
has at least two consequences. *First*, these voters are deprived of the fundamental right to share fairly in choosing their own governm

* * *

at 21

THE COMPLAINT SUFFICIENTLY ALLEGES A VIOLATION OF COMPLAINANTS' RIGHTS UNDER THE FOURTEENTH AMENDMENT TO BE WITHIN THE JURISDICTION OF THE DISTRICT COURT

* * *

1. *The right to be free from gross discrimination in the selection of a State legislature is a federal right protected by the Fourteenth Amendment.*

* * *

at 25

Certainly, the right to have a fair share in the choosing of one's own government is "of the very essence of a scheme of ordered liberty" and is a fundamental principle of liberty and justice lying "at the base of all our civil and political institutions."

* * *

2. *The merits of a challenge to the constitutionality of a legislative apportionment under the Fourteenth Amendment are amenable to reasoned analysis and judicial determination.*

* * *

at 35

Arbitrary regulation of the right to vote, even more than restrictions upon freedom of communication, destroys the essential pre-conditions of alert democracy. Those who are denied the right to vote or who are grossly under-represented cannot protect their franchise by voting. There is, therefore, a special reason for the courts to exert all the power they possess for the vindication of these constitutional rights.

* * *

at 36

3. *The need for constitutional protection is urgent because malapportionment of State legislatures is subverting responsible State and local government.*